

JANSSEN, Peter G.

USSN: 10/700,179

Remarks

Claims 31-37 remain pending. Claims 1-30 and 38-44 are cancelled.

Claims 31-37 have been amended and new Claim 45 is added. Support for these amendments and the newly-added claim can be found in the application as originally filed (e.g., see page 8, lines 10-15; page 9, line 22 to page 10, lines 19-23; and the Figures), and thus, no new matter is believed to have been added.

Applicant notes that several telephone calls were made by the Applicant's attorney so as to reach the Examiner and the Supervisory Examiner, between December 2005 and March 2006. During several of these calls, messages were left for the Examiners, however, none of the calls were returned. The purpose for each of these calls was to request an examiner's interview in the hopes of expediting the prosecution of the present application.

Claim Rejections under 35 USC Section 112

Claims 27-30 and 32-36 are rejected under 35 USC 112, second paragraph, as being indefinite.

Claims 27-30 have been cancelled. For purposes of the Office Action, the Examiner took Claims 32-36 to depend from Claim 31. These Claims have been amended accordingly.

As such, in view of the amendments made, the instant rejection is believed to be moot.

Claim Rejections under 35 USC Section 102

Claims 31-36, 41 and 42 are rejected under 35 USC Section 102(b) as being anticipated by US Patent No. 1,445, 372 to Wagner.

Claims 41-42 have been cancelled and thus their rejection is moot.

MKE/1119159.2

4 of 6

JANSSEN, Peter G.

USPN: 10/700,179

Claim 31 has been amended to include the following recitation: "wherein the hanging device is a unitary structure such that the lance is integral with the push plate and the push plate is in fixed relation to the lance and hanger while inserting the lance of the hanging device into the wall."

The Examiner, at page 4 of the Office Action, asserts that the ferrule of Wagner is a push plate because it can receive an external pressure. Applicant disagrees. Wagner in fact teaches that the ferrule includes a "pair of spaced openings 9 ... to slidably receive the arms 5" (Column 2, lines 98-99) which extend from hook body. The push plate as claimed is integral with the lance, and the push plate is in fixed relation to the lance and hanger while the inserting is taking place, whereas the ferrule slides with respect to the hook body arms to accomplish insertion. As such, the ferrule of Wagner is simply not a push plate of the kind claimed.

Moreover, the Claim 31, as amended, includes the following recitation: "rotating the lance of the hanging device, *about the axial direction and in a plane substantially parallel to the wall*, by exerting a rotational force on at least one of the push plate and the hanger, the lance being rotated from the device insertion position to the object hanging position in which hanger is positioned to receive an object." Wagner teaches no such rotational movement.

Finally, Claim 31, as amended requires the providing of a "hanging device having a push plate, a substantially straight lance projecting at about a right angle from the push plate, and a hanger extending and projecting from the push plate." Wagner discloses no such lance.

For at least these reasons, Claim 31, as amended, is believed to be allowable.

Additionally, claims that depend from allowable claims are themselves allowable. Claims 32-37 depend from Claim 31, and as such, are allowable for at least the reasons cited in support of Claim 31 above. In addition, Claim 33 recites that "the barb includes a rear

MKE/1119159.2

5 of 6

JANSSEN, Peter G.

USPN: 10/700,179

shoulder and the method further comprises biasing the rear shoulder against the wall such that the hanger is secured within or to the wall and the hanger is impeded from passing back through the wall without further rotation of the lance." And Claim 34 includes the following recitation: "wherein, in the rotating step, the hanging device is rotated about 90 degrees at least one of clockwise and counter-clockwise about the axial direction", and Claim 36 further describes the hanger to be "one of a hook hanger, a notched ear hanger, and an ear hanger." Wagner does not teach or suggest these claimed recitations.

Accordingly, for at least these reasons, Claims 32-37 - in addition to Claim 31 from which these claims depend - are also believed to be allowable.

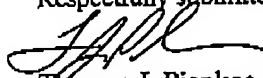
Conclusion

The Applicant believes that the amendment and cancellation of claims, and the above comments, puts the application in condition for allowance. Newly-added Claim 45 is also believed to be allowable.

Applicant respectfully requests that the Examiner telephone the undersigned prior to issuing any further action in this case.

A three-month extension fee of \$510 is believed to be due for the filing of this Amendment and Response. Such fee should be charged to Deposit Account 23-2053. Any required petition should be considered provisionally made.

Respectfully submitted,



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MKE/1119159.2

6 of 6